

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Steven T. Shaughnessy

Patent: 7,822,727

Issued: October 26, 2010

Application Serial No.: 10/710,356

Filing Date: July 2, 2004

For: DATABASE SYSTEM PROVIDING HIGH
PERFORMANCE DATABASE
VERSIONING

Examiner: Aaron J. Sanders

Group Art Unit: 2168

Date: December 13, 2010

Atty. Docket No.: BOR-012

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being deposited via EFS-Web
with the United States Patent and Trademark Office on December 13,
2010.

Signed: 

Dakota C. Dillon

Request for Reconsideration of Patent Term Adjustment Determination
Under 37 CFR § 1.705(d)

Mail Stop Patent Ext.
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

The above patent issued on September 7, 2010. This request for reconsideration of patent term adjustment is being filed within two months of the date the patent issued. This request for reconsideration raises no issues that either were raised or could have been raised in an application for patent term adjustment under 37 CFR § 1.705(b).

SSK/mem

The issued patent indicated a patent term adjustment of 504 days. However, the issued patent failed to indicate a properly revised patent term adjustment.

As required by 37 CFR § 1.705(b), this request for reconsideration includes:

(1) The fee set forth in §1.18(e)

The fee of \$200 is being submitted with this request through EFS-Web.

(2) A statement of facts involved, specifying:

(i) The correct patent term adjustment and the basis or bases under § 1.702 for the adjustment

The adjustment due to § 1.702(a)(1) is 396 days

The adjustment due to § 1.702(a)(2) is 26 days

The adjustment due to § 1.702(b) is 554 days

The total adjustments under § 1.702 is 976 days

The period of adjustment is reduced under § 1.704 by 253 days

The correct patent term adjustment is 723 days

(ii) The relevant dates as specified in §§ 1.703(a) through (e) for which an adjustment is sought and the adjustment as specified in § 1.703(f) to which the patent is entitled

The application was filed on July 2, 2004. September 3, 2006, is fourteen months and a day after the application was filed. The first office action was issued 396 days later, on October 3, 2006.

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A response was filed on April 7, 2008. August 9, 2008, is four months and a day after the response was filed. An office action was issued 26 days later, on September 2, 2008.

The application was filed on July 2, 2004. July 3, 2007, is three years and a day after the application was filed. A request for continued examination was filed 580 days later, on February 2, 2009.

The 26 day period beginning on September 7, 2008, and ending on October 2, 2008, is overlapping.

(iii) Whether the patent is subject to a terminal disclaimer and any expiration date specified in the terminal disclaimer

No terminal disclaimer

(iv)(A) Any circumstances during the prosecution of the application resulting in the patent that constitute a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in § 1.704; or (B) That there were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in § 1.704.

On June 11, 2007, a response was filed 34 days after the three month period described in § 1.704(b).

On April 7, 2008, a response was filed 27 days after the three month period described in § 1.704(b).

On June 6, 2008, a supplemental response was filed 60 days after a response was filed.

On February 2, 2009, a request for continued examination was filed 62 days after the three month period described in § 1.704(b).

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On August 20, 2009, a response was filed 43 days after the three month period described in § 1.704(b).

On March 8, 2010, a notice of appeal was filed 27 days after the three month period described in § 1.704(b).

Conclusion

Should the Office of Petitions believe that a telephone conference would expedite this request for reconsideration of patent term adjustment under 37 CFR § 1.705(d), the undersigned can be reached at the telephone number set out below.

Respectfully submitted,



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